

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EMMANUEL JOHN,

Defendant.

8:19-CR-119

ORDER

A conference with counsel of record was held. After discussion with both parties,

IT IS ORDERED:

1. The jury trial of this case as to Defendant Emmanuel John is scheduled to commence on Tuesday July 21, 2020, for four days, before the undersigned United States District Judge, at the Roman L. Hruska Federal Courthouse, 111 S. 18th Plaza, Omaha, Nebraska 68102. Since this is a criminal case, the defendant shall be present unless excused by the Court.
2. In addition, during the first trial in this matter, evidentiary issues arose with regard to video exhibits offered by the plaintiff. As was discussed at the conference, the Court orders the parties to provide written argument on the admissibility of the video evidence. In particular, the parties must address the question of whether sufficient foundation is laid by the testimony of an officer who helps set up video equipment to record a conversation in a vehicle, but observes and listens from a distance rather than being physically present in the vehicle when the conversation is recorded. The Court sets forth the following briefing schedule on this issue as follows:
 - a. Counsel for Plaintiff shall file a brief no later than July 7, 2020.
 - b. Counsel for Defendant shall file a responsive brief no later July 14, 2020.
 - c. In addition to the specific issues addressed at the conference, counsel shall comply with the filing deadlines set out in the forthcoming trial order.
3. The parties and the Court have agreed to commence the jury trial in this matter on July 21, 2020. The time between June 11, 2020 and the new trial date is excluded under the Speedy Trial Act and in the interest of justice. *See* [18 U.S.C. § 3161](#).

Dated this 12th day of June, 2020.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher
United States District Judge